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TO

Limit the Costs which may be incurred and facilitate the redemption of Lands by Tenants in Ireland in certain cases of Ejectment. A.D. 1861.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. Whenever an action for the recovery of land, whether for nonpayment of rent or for overholding after the ending or determination of a tenancy, is brought in Her Majesty's High Court of Justice in Ireland, in any case in which the plaintiff in such action could have sued for the recovery of such land in the Civil Bill
10 Court of the county in which such land is situate, the plaintiff in any such action shall not be entitled to any costs, unless the judge before whom such action is tried or the Divisional Court to which such action is attached shall by order declare the said plaintiff entitled to costs.

15 2. Every writ of summons for the recovery of land for nonpayment of rent in an action commenced in Her Majesty's High Court of Justice in Ireland, in any case where the plaintiff in such action could have sued for the recovery of such land for nonpayment of rent in the Civil Bill Court of the county in which
20 such land is situate, shall have endorsed thereon a statement of the amount claimed to be due to the plaintiff after all fair and just allowances up to the time of commencing such action, and the times at which such rent accrued due; and that if the amount thereof, together with a sum for costs not exceeding *ten*
25 *shillings*, be paid to the plaintiff or his solicitor or known agent or receiver within ten days from the service of such writ of summons all further proceedings will be stayed; and upon such

[Bill 19.]

Limitation of costs in certain actions.

Endorsement on writ in such cases.
33 & 34 Vict.
c. 124. s. 65.

A.D. 1881. payment or tender within the time so mentioned of the sum so claimed and costs, to the plaintiff or his solicitor or other known agent or receiver, all further proceedings shall cease and be stayed accordingly.

Power of
applying to
Civil Bill
Court for
restitution of
land in cer-
tain cases
after execu-
tion of
Habere.

3. Whenever, in any action commenced in Her Majesty's High Court of Justice in Ireland for the recovery of land for nonpayment of rent, in any case where the plaintiff could have sued for the recovery of such land for nonpayment of rent in the Civil Bill Court of the county in which such land is situate, the defendant or other person having a specific interest in the tenancy or land shall suffer the writ of possession to be executed putting the landlord in possession of the premises, without paying the rent stated in the said writ to be due, and the costs, if any, which the court shall have declared the plaintiff entitled to, or lodging the same with the clerk of the peace of the county in which the lands are situate in the manner herein-before prescribed, if the defendant or such other person shall, within six calendar months after the execution of the said writ of possession, pay to the landlord or lodge with the said clerk of the peace the amount of the said rent and costs, and shall also make an application to be restored to the possession of the said premises to the County Court Judge for the said county within the said period of six months, or at the earliest opportunity after on which application can reasonably be made, and of which application the landlord shall receive due notice, it shall be lawful for the said County Court Judge to hear and determine the claim of the said defendant or such other person to be restored to the possession of the said premises, and to give such relief therein as Her Majesty's High Court of Justice might have given, and to award a writ of restitution or to refuse such application; and it shall be lawful for any person aggrieved by the order or decision of such County Court Judge made on the hearing of such application to appeal therefrom to the next going judge of assize for the county, on entering into a recognizance for the payment of the costs already incurred, and to abide the order of the said judge on such appeal, and such judge of assize upon such appeal shall have authority to make such order touching the application as shall seem just.

Short title.

4. This Act may be cited as the Limitation of Costs (Ireland) Act, 1881.

Limitation of Costs (Ireland).

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To limit the Costs which may be incurred and facilitate the redemption of Lands by Tenants in Ireland in certain cases of Ejectment.

*(Prepared and brought in by
Mr. Errington and Mr. Blennerhasset.)*

*Ordered, by The House of Commons, to be Printed,
7 January 1881.*

[Bill 19.]

Under 1 os.